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SENATE

{ REPORT
{ No. 760

JOSEPH EMANUEL WINGER

SEPTEMBER 17 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 702]

The Committee on the Judiciary, to which was referred the bill (S. 702) for the relief of Joseph Emanuel Winger, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant a waiver of the racial barrier to admission into the United States in behalf of a minor Japanese child who has been adopted by citizens of the United States. The child would be considered to be a nonquota immigrant, which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 4-year-old native and citizen of Japan who has been adopted by Sergeant and Mrs. Robert Lawrence Winger who are residing in Japan where Sergeant Winger is stationed with the United States Army. Sergeant and Mrs. Winger are native-born citizens of the United States. The child was in a Catholic baby home in Japan and has been released to Sergeant and Mrs. Winger for adoption.

A letter dated August 13, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case, reads as follows:

AUGUST 13, 1951.

Hon. PAT McCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 702) for the relief of Joseph Emanuel Winger, an alien.

The bill would provide that, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, and notwithstanding any provisions excluding from admission to the United States persons of races ineligible to citizenship, Joseph Emanuel Winger shall be deemed to be the natural-born alien child of Sergeant and Mrs. R. L. Winger, citizens of the United States.

The files of the Immigration and Naturalization Service of this Department disclose that the alien child, now about 4 years of age, is apparently a native and citizen of Japan of the Japanese race, and has never resided in the United States. His adoptive parents, Sgt. Robert Lawrence Winger and his wife, Ruby, are presently residing in Japan where Sergeant Winger is stationed with the United States Army. It appears that Sergeant Winger has been in the Regular Army of the United States since 1938, and has spent approximately 3 years in Japan. According to his aunt he contemplates returning to the United States in September or October, 1951. He was born on April 1, 1919, at Fond du Lac, Wis., and his wife was born on March 21, 1915, at Atlanta, Ga.

Since the alien child is presumably of the Japanese race, he is ineligible for naturalization under section 303 of the Nationality Act of 1940, and therefore inadmissible to the United States under section 13 (c) of the Immigration Act of 1924. In the absence of general or special legislation he may not be admitted to the United States for permanent residence.

Whether under the circumstances, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator John L. McClellan, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

HEADQUARTERS, ONE THOUSAND FIVE HUNDRED AND THIRD
AIR TRANSPORT WING,
PACIFIC DIVISION, MATS,
APO 226, December 14, 1950.

HON. JOHN L. MCCLELLAN,
United States Senate, Washington 25, D. C.

DEAR MR. MCCLELLAN: We are writing you of a subject very dear and most important to our hearts. According to Japanese laws, we have adopted a son, 3½ years old. He is of Japanese mother and American father. The father of this boy has long since returned to the United States, and the mother, being unable to provide for the child, left it at the Catholic Baby Home.

We paid a visit to the Catholic Baby Home a week and a half ago, and the minute we saw this little boy (now our son), we knew he was meant to be our very own. A week later, we returned to the home and adopted him. In the short time that has elapsed since we've taken Joey into our home, we have had so much happiness and peace of mind, we couldn't possibly stand to lose him.

Neither my wife nor myself can have children of our own so what could be more fitting than to give little Joey, who is most deserving of a good home which should be any normal child's heritage. A mother and father who will love him and care for him, and most important of all, bring him up to be the fine and upstanding American citizen we all enjoy seeing and being associated with.

As for myself, I have been in the Armed Forces for 11½ years and have throughout my time in the service, maintained a spotless record.

During World War II, I flew 28 combat missions over the Philippine Islands, Formosa, China, and the Islands of Japan. In October of 1947, I was given a disability discharge of 60 percent, for which the above combat service was the contributing factor. After a year and a half I applied for a medical waiver, which was granted, and re-enlisted in the Air Forces to serve in Japan, to help the Japanese people as a whole, see what a grand life they can have, living the American, free and democratic way of life, based on the want for peace, and willingness to serve their country for the betterment of the country.

We will be greatly indebted to you for any and all help you could possibly extend toward our cause, in granting us the permission and privilege of having the afore-mentioned child becoming our son legally according to all laws of the Government of the United States of America.

Most gratefully we remain,

T/Sgt. ROBERT L. WINGER,
Mrs. ROBERT L. WINGER.

OUR LADY OF LOURDES BABY HOME,
Yokohama, Japan, January 21, 1951.

I (signed) T/Sgt. and Mrs. Robert L. Winger upon agreement with the Mother Superior of The Franciscan Missionaries of Mary of Yokohama Our Lady of Lourdes Baby Home Promise to adopt legally, child (signed) Joseph Emmanuel Winger Born of (signed) baptized in the Catholic Church (signed) of the General Hospital Under the name of (signed) Joseph Emanuel
Sponsor (signed) Father R. J. Basset, Royal Australian Navy

I also promise to bring up (signed) Joseph according to the precepts of the Roman Catholic Church and provide for (signed) his education in a Catholic School.

As much as possible (signed) to keep in contact with the above Home. In any way (signed) Joseph Emanuel will be returned there if I become unable to keep (signed) him.

(Signed) ROBERT L. WINGER,
Mother Superior (Signed) MARY ST. ALBY, f. m. m.
Witness (Signed) MARIE EDELGUNDIS, f. m. m.

HEADQUARTERS, ONE THOUSAND FIVE HUNDRED AND THIRD
AIR TRANSPORT WING,
PACIFIC DIVISION, MATS,
APO 226, January 24, 1951.

Hon. JOHN L. McCLELLAN,
United States Senate, Washington, D. C.

DEAR MR. McCLELLAN: I am very sorry that I have taken this long to answer your most kind and gracious letter but I have been in the hospital since Christmas Eve and my wife has been unable to obtain the little information concerning our son, that we have gotten. However, we've been able to obtain his baptismal record from the Catholic orphanage, which also records his birth. We've also obtained a release from the Japanese Government as well as a release from the orphanage.

Mr. McClellan, we have taken all the legal steps that we can possibly take here and have been told time and again that the only legal adoption proceedings must be performed when we reach the United States. I repeat that we have obtained the release from the Japanese Government and from the orphanage as well, fully recognizing us as the legal foster parents of Joseph Emanuel Winger, which with all needed statements will be forwarded with this letter.

We sincerely hope that the information submitted herein will be sufficient to enable us to take little Joey back to America with us and legally make him our son.

With kindest regards,

Tech. Sgt. and Mrs. R. L. WINGER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 702) should be enacted.

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